

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SUSAN PEDER, for herself and as assignee of
the CHAPTER 7 BANKRUPTCY ESTATE
OF X10 WIRELESS TECHNOLOGY, INC.,

Plaintiff,

Y.

SCOTTSDALE INDEMNITY COMPANY
also doing business as SCOTTSDALE
INSURANCE COMPANY, an insurer
authorized by the Washington insurance
commissioner, and FREEDOM SPECIALTY
INSURANCE COMPANY, an insurer
authorized by the Washington insurance
commissioner.

Defendants.

CASE NO.

[KING COUNTY SUPERIOR COURT NO. 17-2-29638-4 SEA]

DEFENDANTS SCOTTSDALE INDEMNITY
COMPANY'S AND FREEDOM SPECIALTY
INSURANCE COMPANY'S NOTICE OF
REMOVAL OF A CIVIL ACTION

JURY TRIAL DEMANDED

[CLERK'S ACTION REQUIRED]

PLEASE TAKE NOTICE THAT, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446,

Defendants Scottsdale Indemnity Company and Freedom Specialty Insurance Company (collectively “Scottsdale”), through their counsel of record, hereby remove this action from the Superior Court of the State of Washington in and for the County of King. In support of removal, Scottsdale states as follows:

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1 **I. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED.**

2 1. Plaintiff Susan Peder (“Peder”) commenced this action on her own behalf and as
 3 judgment creditor and assignee of X10 Wireless Technology, Inc. (“X10”) by filing a Complaint
 4 against Scottsdale in the Superior Court of the State of Washington in and for the County of King on
 5 or about November 14, 2017. This action was assigned Case No. 17-2-29638-4 SEA.

7 2. On November 15, 2017, Peder served Scottsdale with the Summons and the
 8 Complaint for this action via the Washington State Office of the Insurance Commissioner. *See*
 9 Complaint, attached hereto.

10 4. As required by 28 U.S.C § 1446(a) and LCR 101(b), Scottsdale is providing true and
 11 complete copies of all the records and proceedings in the state court proceeding, which includes all
 12 process, pleadings, and orders served upon Scottsdale. *See* Declaration of Daniel Shickich
 13 (“Shickich Decl.”), Exhibit A.

15 5. This Notice of Removal is timely under 28 U.S.C. § 1446(b)(1), as it is being filed
 16 within 30 days after receipt of service by Scottsdale. *See Murphy Bros., Inc. v. Michetti Pipe*
 17 *Stringing, Inc.*, 526 U.S. 344, 119 S.Ct. 1322, 143 L.Ed.2d 448 (1999).

19 6. Pursuant to 28 U.S.C. § 1446(d), Scottsdale will promptly file a written Notice of
 20 Removal to Federal Court with the Clerk of the Superior Court of the State of Washington in and for
 21 the County of King, along with a copy of this Notice of Removal. *See* Shickich Decl., Exhibit B.

22 7. Also pursuant to 28 U.S.C. § 1446(d), Scottsdale will promptly serve this Notice of
 23 Removal, along with the Notice of Removal to Federal Court filed with the state court, upon Peder.

25 **II. INTRADISTRICT ASSIGNMENT IN SEATTLE IS PROPER.**

26 8. Pursuant to the assigning criteria set forth in LCR 3(d), this action should be assigned
 27 to a judge in Seattle, because the Superior Court of the State of Washington in and for the County of
 28 King, where this action is currently pending, is located within the Seattle Division.

1 **III. THIS COURT HAS FEDERAL DIVERSITY JURISDICTION.**

2 9. At the time this action was commenced, at the present time, and at all times material
 3 to this action, Scottsdale Indemnity Company was, is, and has been an Ohio corporation with its
 4 principal place of business in Scottsdale, Arizona. *See* Shickich Decl., ¶ 7.

5 10. At the time this action was commenced, at the present time, and at all times material
 6 to this action, Freedom Specialty Insurance Company was, is, and has been an Ohio corporation with
 7 its principal place of business in New York, New York. *See* Shickich Decl., ¶ 8.

8 10. Upon information and belief, at the time this action was commenced, at the present
 9 time, and at all times material to this action, Peder was, is, and has been a citizen of Washington
 10 State residing in King County, Washington. *See* Complaint, ¶ 1.

11 11. Plaintiff and Defendants were not citizens of the same state at any time material to
 12 this action. Therefore, complete diversity of citizenship exists as required by 28 U.S.C. § 1332.

13 12. Pursuant to 28 U.S.C. § 1332(a), removal is proper because Peder is seeking damages
 14 in excess of \$75,000. More specifically, in the Complaint, Peder alleges, “Scottsdale is obligated to
 15 pay the full amount of the \$550,000 Judgment entered against X10 in the Lawsuit,” or
 16 “[a]lternatively, if that Judgment represents ‘wages’ that are not covered under the Policy’s main
 17 form, Scottsdale is obligated to pay the \$250,000 of that Judgment under the Policy’s ‘Wage and
 18 Hour Claim Endorsement.’” *See* Complaint, ¶¶ 44.a, 44.b. Further, Peder is seeking treble damages
 19 and attorney fees and expenses. *Id.* at ¶¶ 59, 67.

20 13. Jurisdiction is therefore proper in this Court pursuant to 28 U.S.C. § 1332(a)(1),
 21 which provides that the United States District Courts “shall have original jurisdiction of all civil
 22 actions where the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs,
 23 and is between . . . citizens of different states.”

1 WHEREFORE, Scottsdale respectfully removes this action from the Superior Court of the
2 State of Washington in and for the County of King, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446,
3 and prays the Court docket this action in this Court, and grant it all other proper relief.
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5 DATED this 14th day of December, 2017.
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7 OGDEN MURPHY WALLACE, P.L.L.C.
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9 By: s/ Geoff Bridgman
10 By: s/ Daniel Shickich
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20 Company and Freedom Specialty Insurance
21 Company
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CERTIFICATE OF SERVICE

I certify under the laws of the United States of America that on the 14th day of December, 2017, I electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using the CM/ECF System and served counsel below by the method indicated:

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DATED this 14th day of December, 2017.

s/ Daniel Shickich, WSBA #46479
Daniel Shickich